

**Membership Assistance Program Regulations
Regulation # R700-04:MA-06**

Chapter 6. Elder Chore Assistance Program Regulations

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Section 4.02 of Membership Assistance Program Ordinance, Ordinance # 03-700-04, the Tribal Ogema hereby promulgates these regulations for implementation of Assistance Programs.

1-2. *Purpose.* This program is intended to offer temporary assistance to elder members in need of Elder Chore Assistance. This program is intended to provide limited, short-term financial assistance to eligible Elder members who are disabled and are limited in their ability to perform routine household chores essential to their health and safety and have no other recourse for assistance.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 4 and the Membership Assistant Program Ordinance are defined for the purposes of all *Membership Assistance Program Regulations*.

2-2. *Household.* means persons living in the same residence maintaining a single economic unit and also includes any person living along/single who is a permanent member of and participates in the maintenance of the household.

2-3. *Applicant.* means on whose behalf an application for services has been received.

2-4. *Member.* means an enrolled member of the Little River Band of Ottawa Indians.

2-5. *Elder* means a member who is 55 years of age or older.

2-6. *Disability.* means an individual who has limitations and inability to perform normal chore activities in or around a home as a result of a temporary or permanent physical disability as documented by a qualified mental health professional or medical professional.

2-7. *Membership Assistance Department.* means the office created to implement the Elder Chore Assistance Program.

2-8. *Permanent resident of the household.* includes all persons, of any age or relationship, living in or planning to live in the house for one or more months. A person residing in the house should be considered a permanent resident if they are a student at a higher education program living at the house during school breaks and holidays.

2-9. *Elder Need for Chore Services* means the following:

- a) Elder cannot perform normal chore activities due to a temporary or permanent disability and;
- b) there is a lack of resources to provide for chore services

2-10. *Vendor* means service provider of chore services.

Section 3. Eligibility

Section 3-1. *Eligibility.* An eligible applicant for the Elder Chore Assistance Program is:

- a. a Little River Band Of Ottawa Indians member who is 55 years or older; or
- b. the legal guardian of a Little River Band Of Ottawa Indians member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that the legal guardian is not the State of Michigan or other state government and;
- c. meets the criteria set forth in section 2-9 Elder Need for Chore Services and;
- d. meets the criteria set forth in section 4-3 Program Scope.

Section 4. General Policies

4-1. *Application.* Members Assistance Department must receive a fully completed application signed by the applicant and accompanied by all required documentation to begin processing any request for assistance. It is the responsibility of the applicant to provide all required information with application.

4-2. *Incomplete Application.* Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Application will not be processed until complete information is received. Applications that are incomplete for 90 days after receipt shall be closed by the Members Assistance Department resulting in reapplying for services.

4-3. *Program Scope.* The Elder Chore Assistance Program is designed to provide limited assistance for elder chore services as identified in the categories in this section. This program is not intended to be a complete resource for elder chore assistance. All chore services must be documented on the Elder Chore List of Services Rendered form.

- a. Snow Removal from drive way and sidewalks
- b. Weather stripping around doors and windows
- c. Grass cutting, leaf raking and removal, general clearing of debris around home
- d. Gutter cleaning
- e. General cleaning of the household including but not limited to dusting and cob web removal, vacuuming, trash removal, bathroom cleaning of toilets and water closets, dishwashing, laundry, scrubbing floors and walls, cleaning of appliances, washing windows, stripping and making of beds
- f. Circumstances that are outside the scope of items listed may be applicable to the program scope only if left un-serviced poses a threat to the health and safety of the elder.

4-4. *Qualified Service Provider.* Chore services must be completed by a qualified individual who must submit the W9 Request of Taxpayer Identification Number and Certification form to receive payment for services rendered. Family members who are qualified to perform chore service tasks cannot reside in the household of the elder and are required to complete the W9 Request of Taxpayer form to receive payment for services rendered.

4-5. *Restrictions on Program.* No expenses related to this program shall be utilized to assist in the conduct of criminal or illegal activities. Any applicant receiving assistance which is subsequently identified as an expense derived from, or used for, a prohibited expense, criminal or illegal activity shall result in the applicant being prohibited from accessing this program for the remainder of the calendar year. Permanent resident of the household shall not be paid for services under this program.

4-6. *Enrollment Verification.* The Members Assistance Department shall obtain, from the Enrollment Department verification of enrollment of each applicant.

4-7. *Proof of Disability.* Applicant must provide proof of a permanent or temporary physical disability. Temporary disability shall be for no less than 30 days and shall be verified by documented evidence of temporary disability from a qualified mental health professional or medical professional. Permanent disability shall be verified by documented evidence from a qualified mental health professional or medical professional.

4-8. *Payment to Vendor.* Payment will be sent directly to vendor only after services are rendered as documented on the Elder Chore Service List of Services Rendered form. Payment shall not be directly sent to applicant. Applicant shall receive a copy of notice of payment to vendor for their records.

4-9. *Responsibility; Liability.* The applicant assumes all responsibility for timely and satisfactory completion of chore services. Liability arising from incomplete or unsatisfactory chore services lies with the applicant and the chore service provider.

4-10. *Amount of Assistance.* The maximum amount of assistance is limited to \$400.00 per year per household and applicant. This program does not guarantee the full amount of assistance, it only provides for the cost of completing the needed chore service. In the event the expense exceeds the maximum amount of assistance available in this program, written verification showing resources to cover the excess amount shall be submitted to the Members Assistance Department.

4-11. *Processing Time Lines.* Final processing will not occur until all required documentation and a completed application has been received by the Members Assistance Department. Application review for eligibility and determination may take up to 5 business days.

4-12. *Eligibility Notification.* Applicants that have satisfactorily completed the application and provided the required supporting documentation will be notified by the Members Assistance Department. The application will be reviewed for eligibility and determination will be made within 5 business days.

4-13. *Ineligibility Notification.* If an applicant is ineligible for assistance, they will be notified by the Members Assistance Department within 5 business days. The ineligibility notification shall include clearly stated reasons why the applicant is ineligible, and applicant's right to appeal an ineligible determination.

4-14. *Maintenance of File; Use of Information.* Members Assistance Program shall maintain a confidential filing system.

a. *Statistical.* Information may be compiled and reported only to the Little River Band of Ottawa Indians tribal Ogema and Tribal Council which does not identify specific applicants.

b. *Program Building*. Upon request from the tribal Ogema and Tribal Council information may be compiled and shared to the extent necessary to identify a need to expand or create a program. Such information shall be in a format that does not identify specific applicants.

c. *Contact with Applicant*. The Members Assistance Program works in conjunction with other Tribal programs to identify the greatest possible amount of assistance to applicants. Department staff shall notify the applicant of this cross-functional team work process. The applicant shall have the ability to reject any or all services identified, and such rejection shall not result in penalizing the applicant for any program accepted, unless such restriction is specifically included within the eligibility requirements for that program.

4-15. *Applicant file*. Membership Assistance Department shall retain applicant file for up to 5 years. Applicant file shall contain at a minimum: applicant application, supporting documentation for eligibility criteria.

4-16. *Ineligible File*: Membership Assistance Department shall retain Ineligible file for one year. Ineligible file shall contain at a minimum: application and letter of ineligibility.

4-17 *Requests May Not Duplicate Work Performed by Other Departments*. Any services provided by another Tribal Department or entity may not be requested to be performed by an outside provider under the Elder Chore Service Assistance Program.

Section 5. Adoption; Amendment; Repeal

5-1. *Adoption*. This Chapter is approved by the Tribal Ogema on and approved by the Tribal Council on _____ 2006 by adoption of resolution # _____.

5-2. *Amendment*. This regulation may be amended by the Membership Assistance Department in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must be approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause*. If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance*. In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity*. Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date*. This Regulation shall take effect on _____ 2006.